

To the Members of the California Senate:

I am returning Senate Bill 1538 without my signature.

It is essential to both employees and employers that employees take advantage of the rest periods permitted them under existing law. Employees' health is dependent on appropriate rest, and well-rested employees create safer workplaces.

This bill is intended to encourage piece-rate workers to stop work for rest periods, by ensuring they are not financially penalized. However, it contains no mechanism to ensure that workers actually take rest periods. Furthermore, it creates costly burdens on employers. Specifically, SB 1538 would enact a complicated method that employers must use to calculate the payment of rest periods for agricultural or garment industry employees who earn wages on a piece rate basis. If the employer miscalculates, they would be subject to substantial penalties for underpayment.

I support strong enforcement of California's existing labor laws, as well as the continued education of workers as to their rights under the law. For example, the Labor and Workforce Development Agency recently conducted inspections of nearly 200 agricultural employers and distributed information on employee rights to over 11,000 farm workers. I am also directing the Labor and Workforce Development Agency to work with the agriculture and garment manufacturing industries—both the employers and the workers—to develop ways of better ensuring that employees are taking their rest periods.

Sincerely,

Arnold Schwarzenegger